

COASTAL CONSERVANCY

Staff Recommendation
September 20, 2007

BATTERY POINT AND BROWN PROPERTY FEASIBILITY STUDY

File No. 07-074-01
Project Manager: Deborah Hirst

RECOMMENDED ACTION: Authorization to disburse up to \$20,000 to the City of Crescent City to a complete feasibility study for potential acquisition, restoration and public access on the half-acre Battery Point property and the nine-acre Brown property on the waterfront in Crescent City, Del Norte County.

LOCATION: Crescent City, Del Norte County (Exhibit 1)

PROGRAM CATEGORY: Access

EXHIBITS

- Exhibit 1: [Project Location Map](#)
- Exhibit 2: [Aerial Photographs of Crescent City and Project Parcels](#)
- Exhibit 3: [Crescent City Aerial Photograph From 1942](#)
- Exhibit 4: [Photographs of Project Area Resources](#)
- Exhibit 5: [Letters of Support](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31409 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed twenty thousand dollars (\$20,000) to the City of Crescent City to complete a feasibility study for potential acquisition, restoration and public access on the half-acre Battery Point property (Assessor’s Parcel Numbers 118-030-22 and 118-030-23) and the nine-acre Brown property (Assessor’s Parcel Numbers 118-020-15 and 118-020-21) on the waterfront in Crescent City, Del Norte County, subject to the following conditions:

1. Prior to the disbursement of funds, the City of Crescent City shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget,
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and the names of any contractors it intends to employ for the project.

2. The grantee shall obtain appropriate authorization of sufficient duration to perform the work on the parcels.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The project will serve greater than local needs.”

PROJECT SUMMARY:

Staff recommends the Conservancy authorize the disbursement of up to an amount not to exceed twenty thousand dollars (\$20,000) to the City of Crescent City to complete a feasibility study for potential acquisition, restoration and public access on the half-acre Battery Point property (Assessor’s Parcel Numbers 118-030-22 and 118-030-23) and the nine-acre Brown property (Assessor’s Parcel Numbers 118-020-15 and 118-020-21) on the waterfront in Crescent City, Del Norte County.

The City will complete appraisals for the four parcels, title searches and negotiations for potential acquisition; convene scoping meetings with potential project partners; and develop conceptual plans for wetland habitat restoration, watershed education including a potential eco-center, historical and cultural interpretation and public access linking to the California Coastal Trail. While the City has received interest from developers on building multi-story condominiums on the properties, the City considers the highest and best use of the property to be open space and coastal, visitor-serving access.

The properties are located on highly visible, scenic areas of the Crescent City shoreline. The Brown property is adjacent to a recreational vehicle park and has suffered from neglect, previous use as an illegal dump and recent encampments of homeless people. The City has undertaken the management of the recreational vehicle park and worked with the Brown property owner to address the more significant problems with the property. The potential exists for dramatic restoration of the wetland and beachfront areas of the property and public education on the value of wetlands and the local Elk Creek watershed. The Battery Point property is directly connected with a small existing parking lot and recently constructed public bathrooms serving visitors to the Lighthouse on a rock outcropping across the street and down a stone and driftwood walk. During

high tide, the Lighthouse is inaccessible to the public and an alternate educational kiosk or visitor serving amenity at this location would be an excellent addition to the prominent destination.

Both properties are within walking distance of sections of the California Coastal Trail, currently being planned or implemented with support from the Conservancy including the Harbor North Coastal Trail segment and Coastal Trail improvements at Point Saint George and Pebble Beach in Del Norte County. In addition, the Crescent City Harbor completed and adopted a master plan which will include construction of the California Coastal Trail and a harbor promenade. Together, these improvements stand to greatly enhance the visitor serving features of Crescent City and connect coastal access for walking and bicycling between the destinations along the area's waterfront (see Exhibits 2 and 4).

Crescent City has a population of approximately 8,000 and operates a range of park facilities serving visitors from northern California, Oregon and beyond. The City is currently constructing a bridge over Elk Creek for the Harbor North section of the California Coastal Trail with support from the Conservancy.

Site Description:

Crescent City is situated on a bay roughly 20 miles south of the Oregon Border and is the only incorporated city in the sparsely populated County of Del Norte. Existing visitor destinations in Crescent City include Beachfront Park, the Fred Endert Municipal Swimming Pool, a Cultural Center, a Marine Mammal Center, the Battery Point Lighthouse and the Shoreline Recreational Vehicle Park at the mouth of Elk Creek.

Elk Creek runs through the City of Crescent City and into the harbor less than a half mile inbetween the Battery Point and Brown properties. Eight large Monterey Cypress stand on the undeveloped the half-acre Battery Point property (Exhibit 2). Wetland areas and a small stand of coastal pines and willows exist on the degraded nine-acre beachfront Brown property. The locations are highly visible, waterfront areas adjacent to regional tourist destination of the Battery Point Lighthouse and the Crescent City Harbor.

Natural resources of the Crescent City area of Del Norte County include vast stretches of redwood and mixed conifer forests, rugged mountains and coastal dunes and regional destinations include the Wild and Scenic Smith River National Recreation Area, Tolowa Dunes State Park and the Redwood National and State Parks. Coastal access and recreational opportunities along the coast, the harbor and regional natural resources are main draws for tourists and visitors who are critical to the local economy.

Project History:

Historically the Brown property area was known for its houses of prostitution. In the 1920s part of the area became a bottle dump, and in the 1940s a number of houses were

still located on the northern portion of the property previously just above the tidal zone, as shown on an aerial photo from that period (Exhibit 3).

After the 1964 Tsunami that devastated much of Crescent City, the Army Corps of Engineers dredged the harbor and deposited the spoils along the perimeter of the harbor creating present day Beachfront Park, a portion of the RV Park and the land between the harbor and the subject property. Prior to 1964 the southern boundary of the subject property terminated at the ordinary high water line of 1948 according to the surveyors map (Exhibit 3). The City took over operations at the Shoreline RV Park in 2006 and worked with the Brown property owner to clear brush and fence off access to the property. Though degraded, the property has pockets of wetland area, sand beach and is located between segments of planned California Coastal Trail in the City and the Crescent City Harbor.

The Battery Point area was known to be one of the areas many Tolowa community sites pre-dating the arrival of European settlers. Eight large Monterey cypress trees cover the majority of the undeveloped half-acre property at Battery Point (Exhibit 4). The parcels are directly adjacent to the parking area and restroom facility that serves Battery Park and the tide-dependent beach trail out to the location of the Lighthouse on a rock outcropping. The City and a local nonprofit organization, the Rural Human Services Agency, have begun discussion of the property as an excellent location for an outdoor visitor information and rest area kiosk for these features.

Interest has been expressed by developers interested in constructing condominiums on the buildable area of the Brown property and Battery Point. Conserving the last remaining waterfront parcels at the center of Crescent City would be an important step toward realizing the potential for linked open spaces, wetland restoration, the working harbor and tourist serving attractions in this neglected urban waterfront area. The proposed project will provide for pre-acquisition work for these properties, and feasibility planning for coastal public access, habitat restoration and enhancement, and potential for watershed education and cultural interpretation of the properties.

PROJECT FINANCING:

Coastal Conservancy	\$20,000
City of Crescent City	<u>\$10,000</u>
Total Project Cost	\$30,000

Conservancy funds for this project are expected to derive from the Conservancy's FY2005/06 appropriation from Proposition 12 (the "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000") for public access. Consistent with the purposes of this fund, the City would use the Conservancy grant to develop public use facilities in a coastal area within the Conservancy's jurisdiction. See Public Resources Code § 5096.352(c).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 9 (Sections 31400-31409) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code, regarding the provision of a system of accessways.

Consistent with Section 31400, the proposed project would allow the Coastal Conservancy have a principal role in the potential development of public accessways to and along the state's coastline. Conservancy assistance in assessing the potential acquisitions will assist the City in providing the public with an enhanced coastal accessway, as provided in Public Resources Code § 31400.3

Consistent with Section 31400.1 and 31400.2, the proposed project will provide a feasibility study of the acquisition, protection and restoration of coastal property for public access purposes that will serve greater than local interest. The proposed project will enable the City to complete pre-acquisition work on property located adjacent to major visitor destinations of the Battery Point Lighthouse and the Crescent City Harbor which draw local, regional and international tourists traveling through Del Norte County between northern California and Oregon.

Consistent with Section 31400.2, the amount of funding provided by the Conservancy shall be determined by the total amount of funding available for coastal public accessway projects, the urgency of the project relative to other eligible projects, and the application of factors prescribed for the Conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provision of the division. The proposed Conservancy funding amount for the project was determined based on the application of Conservancy priority criteria and after taking into account other available resources and the matching contributions available through the City.

Pursuant to Section 31408, the conservancy "shall, in consultation with the Department of Parks and Recreation, and the Coastal Commission, coordinate the development of the California Coastal Trail." The proposed project will support the City's outreach to potential project partners for planning purposes concerning the acquisition of the project properties and the potential for a link through the property to the California Coastal Trail. Any future trail development proposed for the project area will be undertaken in coordination with appropriate Coastal Commission and State Parks staff.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOALS & OBJECTIVES:

Consistent with **Goal 1 – Objective C**, the proposed project will provide for the potential acquisition of property and the development of plans for a segment of the California Coastal Trail.

Consistent with **Goal 2 – Objective A**, the proposed project will provide for the potential acquisition of coastal property for open space and views in a disadvantaged area of Del

Norte County.

Consistent with **Goal 2 – Objective A**, the proposed project will provide for increased coastal recreational opportunities with potential plans for a regional environmental education center.

Consistent with **Goal 3 – Objective A**, the proposed project will provide for coastal waterfront restoration to support increased public access, tourism and economic vitality.

Consistent with **Goal 5 - Objective A and B**, the proposed project will provide for the restoration and enhancement of biological diversity through potential coastal wetland restoration and habitat improvements near the mouth of Elk Creek, a Cutthroat and endangered Coho salmon bearing stream.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The City of Crescent City and the Rural Human Services nonprofit organization have provided support for the project. Letters of support are included in Exhibit 5.
4. **Location:** The proposed project sites are both on the bay within Crescent City, two parcels are adjacent to Battery Point Lighthouse and two parcels are adjacent to the Crescent City Harbor, in Del Norte County.
5. **Need:** Conservancy funding is necessary to complete pre-acquisition work and feasibility plans for these waterfront properties in Crescent City. Without Conservancy funding, the project can not go forward.
6. **Greater-than-local interest:** The project has the potential to augment the California Coastal Trail and connections to the Crescent City Harbor in Del Norte County's only incorporated city. Potential restoration of coastal wetlands and shorebird habitat will serve greater-than-local interest of birders and other travelers visiting between Oregon and northern California.

Additional Criteria

7. **Urgency:** The proposed project will provide the City with an acquisition feasibility

study for properties that are currently on the market and of interest to developers with plans for condominiums.

8. **Resolution of more than one issue:** The proposed project will plan for conservation through acquisition as well as develop options for wetland restoration and public access on the waterfront in Crescent City.
9. **Leverage:** The City of Crescent City will provide \$10,000, a match of over 30% for the proposed project.
10. **Readiness:** The City of Crescent City is highly motivated and ready to conduct feasibility and pre-acquisition work included in the proposed project.
11. **Realization of prior Conservancy goals:** See “Project History” above.
12. **Cooperation:** The proposed project will involve coordination of potential wetland restoration and public access project partners and the City has begun outreach with the nonprofit organization, Rural Human Services.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Battery Point and Brown properties are located within the jurisdiction of the City of Crescent City’s General Plan (LUP approved June 1982). While the City’s plan does not have a specific policy directly related to coastal access, “...it has always been an unwritten policy to protect, provide and maintain public access to the shoreline (Public Access, Section II, p. 3; see also Pub. Res. Code § 30210 et seq.). The proposed project is consistent with this intent as it involves the pre-acquisition and feasibility planning work in two coastal areas for public access and improvements to both coastal resources and accessways in the City of Crescent City.

COMPLIANCE WITH CEQA:

The proposed project involves data collection, planning and feasibility analysis for possible future actions. Staff believes the tasks authorized through the project are statutorily exempt from the provisions of CEQA pursuant to 14 California Code of Regulations Section 15262. Upon approval, staff will file a Notice of Exemption for the project.